

Application No. 10/534566
Response and Amendment
Reply to Office Action Dated 31 October 2007

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REMARKS

1. Claims Amendment

Claims 1-19 have been amended for clarity and to improve the readability of the claims. No new matter has been added.

Claims 1 and 10 have been amended to clarify that the forming punch (20, 22) can move in a direction opposite to the forming punch pressing down the blanks (12). Specifically, portions of Claims 7 and 8 have been added to Claim 1, and portions of claims 14 and 15 have been added to Claim 10. No new matter has been added.

2. Claims 1-19 Are Not Anticipated Under 37 CFR 102 By Agar '222

In order to properly anticipate Applicant's invention, as claimed, under 35 USC §102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *see also verdegall Bros. V. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The absence of even one element in the claim in issue from the cited prior reference negates anticipation. *See Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 224 USPQ2d 409 (Fed Cir. 1984). Anticipation was intended to apply in this limited situation in which one prior art reference incorporates *all* of the elements of a claim in a subsequent invention because the nonobvious standard was intended to cover broader obvious leaps from a reference to a claim or from combined references to a claim. *See Titanium Metals Corp. v. Brenner*, 227 USPQ 773 (Fed. Cir. 1985). Thus, in a proper anticipation analysis, it is the structural limitations as claimed that must be compared.

Agar '222 fails to disclose a method or device in which the forming punch moves into the forming shaft and then reverses direction to return to the initial position. In Agar '222, the formers (18) first move upwards and then later downwards (and onwards) along the periphery of the conveyor. In fact, the formers are always moving in a forward

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direction. Overall, the method and device in Agar '222 would teach away from a method or device in which the forward movement occurs when the blanks are erected followed by a reverse movement for moving the forming punches out of the forming shaft.

As such, Agar fails to disclose all of the elements of Claim 1, 10, or any claim dependant therefrom. Specifically, Agar '222 fails to disclose a method or device in which the blanks (12) have been introduced into the forming shaft (17) and the conveying means moves in a direction opposite to that of the pressing of the blanks (12). As this limitation is not disclosed by Agar '222, Agar '222 cannot anticipate Claim 1, 10, or any claim dependant therefrom.

For the above reasons, Applicant requests that the examiner withdraw the grounds for rejection and find the pending claims allowable.

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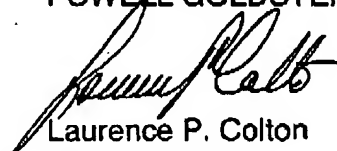
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CONCLUSION

Applicant submits that the patent application is in proper condition for allowance, and respectfully requests such action.

If the Commissioner or the examiner has any questions that can be resolved over the telephone, please contact the below signed patent attorney of record.

Respectfully submitted,
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